

THE HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RUSSELL BRANDT,

Plaintiff,

v.

Case No. 2:17-cv-00703-RSM

COLUMBIA CREDIT SERVICES, INC., a  
Delaware Corporation, WALES & WOEHLE  
INC., P.S., a Washington Corporation, JASON  
L. WOEHLE, WSBA Number 27658, and  
SACOR FINANCIAL, INC., a California  
Corporation,  
Defendants.

**NOTICE OF RELIEF FROM STAY AND  
REQUEST TO NOTE AND PROCEED  
TO TRIAL**

**I. NOTICE OF RELIEF FROM STAY**

On June 8, 2018, Defendant Jason Woehler (“Woehler” or “Debtor”) filed for Chapter 13 bankruptcy in the Western District of Washington invoking the automatic stay of 11 U.S.C. §362(a) as to all claims against him. *In re Woehler*, Case No. 18-12299-CMA (“*In re Woehler*”), Dkt. #1. On June 13, 2018, this Court ordered this action stayed pending the outcome of Plaintiff’s forthcoming Motion for Relief from Stay in *In re Woehler*, Dkt. #43. On July 5, 2018, an order was entered in *In re Woehler*, on stipulation of the parties, granting Plaintiff relief from stay to proceed to trial in this matter. *See In re Woehler*, Dkt. 21, attached hereto as Exhibit A. The relief from stay was granted for the limited purpose of fixing Plaintiff’s damages. *Id.* Per the parties’ stipulation, the bankruptcy court’s order goes into effect

NOTICE OF RELIEF FROM STAY AND  
REQUEST TO NOTE AND PROCEED TO  
TRIAL (2:17-CV-00703-RSM) - 1

LAW OFFICE OF SARAELLEN HUTCHISON, PLLC  
2367 TACOMA AVENUE SOUTH | TACOMA, WA 98402  
PH (206) 529-5195 | FAX (253) 302-8486

**Leonard Law**  
1001 4<sup>TH</sup> AVE, SUITE 3200, Seattle, WA 98154  
Ph (206) 486-1176 F (206) 458-6028

1 on the earlier of 21 days after entry of the order or July 18, 2018. Thus, the order for relief from  
2 stay is effective on July 18, 2018.

3  
4 I. REQUEST TO NOTE AND PROCEED TO TRIAL

5 “[A]s a general rule the automatic stay of [11 U.S.C.] § 362(a) protect[s] only the  
6 debtor, property of the debtor, or property of the estate.” *Chugach Timber Corp. v. N.*  
7 *Stevedoring & Handling Corp. (In re Chugach Forest Prods.)*, 23 F.3d 241, 246 (9th Cir. 1994).  
8 “The decision whether to grant or deny stay relief is within the broad discretion of the  
9 bankruptcy court.” *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 558 (Bankr. C.D.  
10 Cal. 2004). “Creditors may obtain relief from stay if their interests would be harmed by  
11 continuance of the stay.” *In re Kronemyer*, 405 B.R. 915, 921 (9<sup>th</sup> Cir. BAP 2009).  
12

13 Plaintiff’s counsel has conferred with Defendant Woehler’s bankruptcy counsel on the  
14 parties’ availability for trial. The dates of unavailability of the parties between July 19, 2018  
15 and December 31, 2008 are as follows:

16 7/19/2018

17 7/20/2018

18 7/23/2018

19 7/26/2018 – 7/30/2018

20 8/1/2018

21 8/10/2018

22 8/16/2018

23 8/27/2018 – 8/31/2018

24 10/24/2018 – 10/26/2018  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

II. CONCLUSION

For the foregoing reasons, Plaintiff requests that the Court set trial dates.

Dated this 10<sup>th</sup> day of July, 2018.

S//SaraEllen Hutchison  
SARAELLEN HUTCHISON (WSBA #36137)  
Law Office of SaraEllen Hutchison, PLLC  
2367 Tacoma Avenue South  
Tacoma, WA 98402  
Telephone: (206) 529-5195  
Facsimile: (253) 302-8486  
Email: saraellen@saraellenhutchison.com

S//Samuel Leonard  
SAMUEL LEONARD (WSBA #46498)  
Leonard Law  
1001 4<sup>th</sup> Ave. #3200  
Seattle, WA 98154  
Ph. 206.486.1176  
Fx. 206.458.6028  
sam@seattledbtdefense.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2018, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

A copy was also emailed to James Dickmeyer, Jason Woehler's bankruptcy counsel, at jim@jdlaw.net.

Dated this 12<sup>th</sup> day of June, 2018 at Tacoma, Washington.

S//SaraEllen Hutchison  
SARAELLEN HUTCHISON (WSBA #36137)